IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF ARKANSAS JONESBORO DIVISION

TRISTA JONES PLAINTIFF

VS.

No. 3:13-CV-00252-BRW

RK ENTERPRISES OF BLYTHEVILLE, INC., et al.

DEFENDANTS

ORDER

The parties presented evidence at a one-day bench trial on April 7, 2015. Post-trial briefs were submitted the next day.¹

I. BACKGROUND

- 1. Plaintiff worked as the manager for Defendants' hotel from January until December 2013, which is the relevant time period for this case.
- 2. During 2013, Plaintiff's compensation package included a salary of \$1,500 a month and free on-site housing.²
- 3. Plaintiff either quit or was fired on December 13, 2013, but returned to work on December 17, 2013.
- 4. Plaintiff quit working for Defendant in January 2014, and worked at a different hotel from January to September 2014.
 - 5. Plaintiff was rehired by Defendant in January 2015.
 - 6. Despite Plaintiff's title as "manager," she is not an exempt employee under the FLSA.
- 7. Since this litigation began, Defendants paid Plaintiff \$7,000 in previously unpaid overtime compensation, and the parties agree that \$7,000 should be set off from Plaintiff's damages.

¹Doc. Nos. 38, 39, 42, 45.

²Plaintiff's Trial Exhibit 3.

II. DISCUSSION

A. Overtime Compensation

1. Plaintiff's Compensation Package

Since Plaintiff's compensation included free lodging, "the reasonable cost or the fair value of the lodging (per week) must be added to the cash wages before the regular rate is determined." Defendant testified that the lodging was valued at \$18,000 a year, and Plaintiff did not dispute this amount; so the lodging has a value of \$1,500 a month. With lodging and salary, Plaintiff regular rate is \$3,000 a month, which is \$750 a week.

2. Plaintiff's Hours

To determine the hourly rate, the \$750 must be divided by the number of hours Plaintiff worked, but there were no set hours. Defendant testified that because Plaintiff was the hotel manager she might work "unlimited" hours, but he expected her to work 40 to 60 hours when they reached their compensation agreement. Other evidence at trial also supported the fact that Plaintiff hours varied weekly, based on demand. Accordingly, the "fluctuating work week method" will be used to determine Plaintiff's regular rate.⁴

"[W]hen an employee is, by agreement, paid a fixed weekly wage for hours that fluctuate from week to week, the proper way to calculate the employee's regular rate of pay is to divide the weekly wage by the number of hours actually worked in a particular week." Under this method, Plaintiff is entitled to overtime of one-half the regular rate.

³29 C.F.R. § 778.116.

⁴29 C.F.R. § 778.114.

⁵Urnikis-Negro v. American Family Property Services, 616 F.3d 665, 674 (7th Cir. 2010) (citing Overnight Motor Transp. Co. v. Missel, 316 U.S. 572 (1942)).

⁶29 C.F.R. § 778.114 ("Payment for overtime hours at one-half such rate in addition to the salary satisfies the overtime pay requirement because such hours have already been

Here, determining the number of weekly hours is difficult because Defendants did not keep records of Plaintiff's hours.⁷ Complicating the issue more are the inconsistencies within each side's testimony.

Plaintiff testified that she worked 65 hours of overtime per week from January to June 2013 and 32 hours of overtime per week from June to December 2013. However, in a December 12, 2013 interview statement to the Department of Labor, Plaintiff indicated that she worked an average of 32 hours of overtime per week.⁸ In a December 21, 2013 letter to the Department of Labor, Plaintiff asserted that she worked 0-10 hours of overtime a week on average.⁹ Plaintiff's estimations also assume that she worked the same amount every week throughout the year and do not account for time off. However, it is undisputed that Plaintiff was off, at a minimum, for several days in November and December.

Defendants provided a much lower estimation of hours. In a response to interrogatories,

Defendants indicated that between January and March 2013, Plaintiff worked 10-15 hours of overtime

per week, 10 and from April to December she worked 0-10 hours of overtime a week. 11 However,

compensated at the straight time regular rate, under the salary arrangement.").

⁷When an employer fails to keep time records, an employee is "to be awarded compensation on the most accurate basis possible." *Dole v. Tony and Susan Alamo Foundation*, 915 F.2d 349, 351 (8th Cir. 1990). Though the burden is lessened, Plaintiff still is required to "prove the existence of damages." *Carmody v. Kansas City Board of Police Commissioners*, 713 F.3d 401, 407 (8th Cir. 2013).

⁸Plaintiff's Trial Exhibit 3. Plaintiff testified that she believed she was being asked how much she currently worked. However, the document states that the relevant time frame was "Jan. 2013 to present."

⁹Defendants' Trial Exhibit F. I note that this document has reliability problems, since Plaintiff testified she signed it under duress from Defendant.

¹⁰Defendants asserted that Plaintiff worked 50-55 hours a week.

¹¹Plaintiff's Trial Exhibit 1.

Defendant testified that Plaintiff worked 23 hours of overtime the first week in January and 12 hours of overtime the last two weeks in January. The other monthly overtime totals were between 0 and 82 hours. Defendants' numbers average to around 7 hours of overtime per week.

There are a few of problems with Defendants' overtime estimations. First, Defendants did not keep up with Plaintiff's hours during the year, so the calculations were made in response to litigation. Second, the hours are based on a reverse calculation of when other people were working, and assumes there was never more than one person working the front desk. Third, there are dates missing in the calculations and there was no explanation for this at trial. Finally, Defendants' calculations were for two-week intervals, but the FLSA requires that each workweek stand alone and "does not permit averaging of hours over 2 or more weeks."

3. The Court's Calculations

According to Defendants' numbers, Plaintiff worked 325.5 hours of overtime. Plaintiff claims she worked 2,357 hours of overtime. That is a difference of 2,031.5 hours, and neither estimate is reasonable.

Because there was no reliable evidence, I used the average of the estimates. For example, on week one, Defendants estimated 16 hours of overtime and Plaintiff said 65 hours – the average of the two is 40.5 hours. Since Plaintiff's salary is \$750, her regular rate for that week was \$9.32, 13 and she is entitled to \$188.73 of overtime wages. 14 On dates where Defendant had no information, I assumed

¹²29 C.F.R. § 778.104. Each week standing alone is necessary because an employee might work 80 hours over a two week period, but if she worked 30 hours one week and 50 hours the next week, she would be entitled to 10 hours of overtime.

 $^{^{13}}$ \$750 / 80.5 hours = \$9.32.

 $^{^{14}}$ \$9.32 x .5 = 4.66 x 40.5 = \$188.73.

that Plaintiff worked 8 hours. Based on these calculations for each of the 52 weeks in 2013 (see attached spreadsheet), Plaintiff is entitled to overtime compensation of \$7,438.03.

B. Liquidated Damages

Plaintiff seeks liquidated damages., and, at trial, Defendants conceded that Plaintiff was entitled to liquidated damages if she prevailed. Since Plaintiff was awarded \$7,438.03 in unpaid overtime wages, she is entitled to \$7,438.03 in liquidated damages.¹⁵

C. Retaliation Claim

Plaintiff conceded the retaliation claim, because there was "no testimony or evidence . . . that Plaintiff *actually lost wages* for the four days in which she was off work." Defendants contend that it was at best a swearing match and there was no proof that Plaintiff lost wages or was kicked out of the apartment.

D. Punitive Damages

As I announced at the end of the trial on April 8, 2015, the evidence does not support a claim for punitive damages (even assuming they are permitted under the FLSA).¹⁷

E. Personal Liability

As I ruled at trial, the individual defendants are personally liable for damages. 18

¹⁵29 U.S.C. § 216(b).

¹⁶Doc. No. 39 (emphasis in original).

¹⁷See 22A Fed. Proc., L. Ed. § 52:1767 ("While there is authority that punitive damages are available in an action under the FLSA for employer retaliation, the prevailing rule is that punitive damages are not available in actions to enforce the FLSA, even in cases of employer retaliation.").

¹⁸Darby v. Bratch, 287 F.3d 673, 681 (8th Cir. 2002) ("If an individual meets the definition of employer as defined by the FMLA, then that person should be subject to liability in his individual capacity.").

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CONCLUSION

Based on the findings of fact and conclusions of law above, Plaintiff is entitled \$7,438.03 for back pay overtime wages and \$7,438.03 for liquidated damages, for a total of \$14,876.06. Since

Defendants already have paid Plaintiff \$7,000, Plaintiff is entitled to a judgment of \$7,876.06 from

Defendants.

IT IS SO ORDERED this 15th day of April, 2015.

/s/ Billy Roy Wilson

UNITED STATES DISTRICT JUDGE

6

	<u>Defendants'</u> <u>Hours</u>	Defendants' Overtime	Plaintiff's Overtime			Overtime Money
<u>Date</u>	<u>Estimate</u>	<u>Estimate</u>	<u>Estimate</u>	Court's Hours Finding	Work Week Rate	<u>Owed</u>
				(Plaintiff's Estimate + Defendants' Estimate) / 2	\$750 / (Court's Hours + 40)	1/2 Work Week Rate x Court's Hours
1/3/2013	7					
1/4/2013	7					
1/5/2013	8					
1/6/2013	7					
1/7/2013	10					
1/8/2013	10					
1/9/2013	7					
	56	16	65	40.5	\$9.32	\$188.73
1/10/2013	7					
1/11/2013	No info					
1/11/2013	No info					
1/13/2013	No info					
1/14/2013	No info					
1/15/2013	No info					
1/16/2013	No info					
1,10,2013	55	15	65	40	\$9.38	\$187.60
						·
1/17/2013	0					
1/18/2013	7					
1/19/2013	8					
1/20/2013	10					
1/21/2013	10					
1/22/2013	10					
1/23/2013	10	4-			40.00	***
	55	15	65	40	\$9.38	\$187.60
1/24/2013	8					
1/25/2013	8					
1/26/2013	7					
1/27/2013	7					
1/28/2013	7					
1/29/2013	No info					
1/30/2013	No info					
	53	13	65	39	\$9.49	\$185.06
1/31/2013	No info					
2/1/2013	6					
2/2/2013	6					
2/3/2013	10					
2/4/2013	7					
2/5/2013	7					
2/6/2013	10					
-	54	14	65	39.5	\$9.43	\$186.24

	Defendants'	Defendants'	Plaintiff's			
	Hours	Overtime	Overtime			Overtime Money
<u>Date</u>	Estimate	Estimate	Estimate	Court's Hours Finding	Work Week Rate	<u>Owed</u>
						1/2 Work Week
				(Plaintiff's Estimate +	\$750 / (Court's	Rate x Court's
				Defendants' Estimate) / 2	Hours + 40)	Hours
						-
2/7/2013	7					
2/8/2013	10					
2/9/2013	7					
2/10/2013	10					
2/11/2013	10 10					
2/12/2013	7					
2/13/2013	61	21	65	43	\$9.04	\$194.36
	01	-	0.5		φ3. 0 4	Ç154.30
2/14/2013	10					
2/15/2013	7					
2/16/2013	7					
2/17/2013	8					
2/18/2013	8					
2/19/2013	8					
2/20/2013	7				4	
	55	15	65	40	\$9.38	\$187.60
2/21/2013	7					
2/22/2013	7					
2/23/2013	8					
2/24/2013	7					
2/25/2013	8					
2/26/2013	9					
2/27/2013	9					
	55	15	65	40	\$9.38	\$187.60
2/28/2013	7					1
3/1/2013	7					
3/2/2013	0					
3/3/2013	8					
3/4/2013	8					
3/5/2013	8					
3/6/2013	8					
. ,	46	6	65	35.5	\$9.93	\$176.26
0.15.15.5						
3/7/2013	9					
3/8/2013	0					
3/9/2013	7 No info					
3/10/2013	No info No info					
3/11/2013 3/12/2013	No info					
3/12/2013	No info					
3, 13, 2013	48	8	65	36.5	\$9.80	\$178.85
		<u> </u>		30.3	73.00	71,0.05

	Defendants'	Defendants'	Plaintiff's			
	Hours	Overtime	Overtime			Overtime Money
<u>Date</u>	<u>Estimate</u>	Estimate	Estimate	Court's Hours Finding	Work Week Rate	Owed
			<u></u>			<u></u>
						1/2 Work Week
				(Plaintiff's Estimate +	\$750 / (Court's	Rate x Court's
				Defendants' Estimate) / 2	Hours + 40)	Hours
3/14/2013	7					
3/15/2013	7					
3/16/2013	0					
3/17/2013	11					
3/18/2013	10					
3/19/2013	10					
3/20/2013	6					
	51	11	65	38	\$9.62	\$180.31
2/21/2212						
3/21/2013	7					
3/22/2013	9					
3/23/2013 3/24/2013	9					
3/24/2013	9					
3/25/2013	9					
3/27/2013	9					
3/2//2013	61	21	65	43	\$9.04	\$194.36
					 	Ş154. 3 0
3/28/2013	0					
3/29/2013	0					
3/30/2013	6					
3/31/2013	No info					
4/1/2013	8					
4/2/2013	8					
4/3/2013	8					
	38	0	65	32.5	\$10.34	\$168.03
4/4/2012						<u> </u>
4/4/2013 4/5/2013	0					
4/6/2013	9 7					
4/6/2013	11					
4/8/2013	8					
4/9/2013	8					
4/10/2013	8					
, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	51	11	65	38	\$9.62	\$182.78
					·	·
4/11/2013	0					
4/12/2013	7					
4/13/2013	7					
4/14/2013	11					
4/15/2013	8					
4/16/2013	7					
4/17/2013	8	_	_	_	4.	
	48	8	65	36.5	\$9.80	\$178.85

	Defendants'	Defendants'	Plaintiff's			
	Hours	Overtime	Overtime			Overtime Money
<u>Date</u>	<u>Estimate</u>	<u>Estimate</u>	<u>Estimate</u>	Court's Hours Finding	Work Week Rate	Owed
<u> </u>	<u> </u>	<u> Lotimate</u>	251111410	<u> </u>	TOTA TECH HATE	<u>ocu</u>
						1/2 Work Week
				(Plaintiff's Estimate +	\$750 / (Court's	Rate x Court's
				Defendants' Estimate) / 2	Hours + 40)	Hours
				,,	,	
4/18/2013	6					
4/19/2013	7					
4/20/2013	8					
4/21/2013	11					
4/22/2013	8					
4/23/2013	11					
4/24/2013	9					
	60	20	65	42.5	\$9.09	\$193.16
4/25/2013	0					
4/26/2013	9					
4/27/2013	7					
4/28/2013	8					
4/29/2013	8					
4/30/2013	9					
5/1/2013	49	9	65	37	\$9.74	\$169.28
		<u> </u>			 	Ģ105.20
5/2/2013	0					
5/3/2013	0					
5/4/2013	7					
5/5/2013	9					
5/6/2013	8					
5/7/2013	8					
5/8/2013	11					
	43	3	65	34	\$10.14	\$172.38
5/9/2013	0					1
5/10/2013	8					
5/11/2013	4					
5/12/2013	11					
5/13/2013	8					
5/14/2013	8					
5/15/2013	8					
	47	7	65	36	\$9.87	\$177.66
5/16/2013	0					
5/17/2013	8					
5/18/2013	7					
5/19/2013	8					
5/20/2013	8					
5/21/2013	11					
5/22/2013	8 50	10	65	37.5	\$9.68	Ć101 FA
	50	10	05	37.3	80.5¢	\$181.50

<u>Date</u>	Defendants' Hours Estimate	Defendants' Overtime Estimate	Plaintiff's Overtime Estimate	Court's Hours Finding	Work Week Rate	Overtime Money Owed
				(Plaintiff's Estimate + Defendants' Estimate) / 2	\$750 / (Court's Hours + 40)	1/2 Work Week Rate x Court's Hours
5/23/2013	0					
5/24/2013	7					
5/25/2013	7					
5/26/2013	10					
5/27/2013	8					
5/28/2013	8					
5/29/2013	10					
-, -,	50	10	65	37.5	\$9.68	\$181.50
					• • • •	
5/30/2013	12					
5/31/2013	0					
6/1/2013	0					
6/2/2013	8					
6/3/2013	0					
6/4/2013	0					
6/5/2013	0					
	20	0	32	16	\$13.39	\$107.12
6/6/2013	0					1
6/7/2013	8					
6/8/2013	10					
6/9/2013	10					
6/10/2013	9					
6/11/2013	11					
6/12/2013	0					
, ,	48	8	32	20	\$12.50	\$125.00
6/13/2013	9					
6/14/2013	0					
6/15/2013	0					
6/16/2013	7					
6/17/2013	11					
6/18/2013 6/19/2013	8 8					
0/19/2013	8 43	3	32	17.5	\$13.04	\$114.10
	73		J£	11.3	ٱ3.04	7114.10
6/20/2013	5					
6/21/2013	11					
6/22/2013	0					
6/23/2013	0					
6/24/2013	8					
6/25/2013	8					
6/26/2013	8					
	40	0	32	16	\$13.39	\$107.12

	Defendants'	Defendants'	Plaintiff's			
	Hours	Overtime	Overtime			Overtime Money
<u>Date</u>	Estimate	Estimate	Estimate	Court's Hours Finding	Work Week Rate	<u>Owed</u>
				/DI : 1:00 E 1:	6750 / /O N	1/2 Work Week
				(Plaintiff's Estimate +	\$750 / (Court's	Rate x Court's
				Defendants' Estimate) / 2	Hours + 40)	Hours
6/27/2013	7					
6/28/2013	6.5					
6/29/2013	0					
6/30/2013	0					
7/1/2013	8					
7/2/2013	0					
7/3/2013	0					
	21.5	0	32	16	\$13.39	\$107.12
7/4/2013	8					
7/5/2013	7					
7/6/2013	, 7					
7/7/2013	8					
7/8/2013	12					
7/9/2013	0					
7/10/2013	8					
	50	10	32	21	\$12.30	\$129.15
7/11/2013	0					
7/12/2013	7					
7/13/2013	7					
7/14/2013	8					
7/15/2013	8					
7/16/2013	0					
7/17/2013	8					
	38	0	32	16	\$13.39	\$107.12
7/18/2013	0					
7/19/2013	9					
7/20/2013	5					
7/21/2013	7					
7/22/2013	8					
7/23/2013	8					
7/24/2013	8					
	45	5	32	18.5	\$12.82	\$118.59
7/25/2013	7					
7/26/2013	8					
7/27/2013	8					
7/28/2013	8					
7/29/2013	6					
7/30/2013	8					
7/31/2013	8					
	53	13	32	22.5	\$12.00	\$135.00

	<u>Defendants'</u> <u>Hours</u>	Defendants' Overtime	Plaintiff's Overtime			Overtime Money
<u>Date</u>	<u>Estimate</u>	Estimate	Estimate	Court's Hours Finding	Work Week Rate	<u>Owed</u>
				(Plaintiff's Estimate + Defendants' Estimate) / 2	\$750 / (Court's Hours + 40)	1/2 Work Week Rate x Court's Hours
8/1/2013	8.5					
8/2/2013	8.5					
8/3/2013	8					
8/4/2013	8					
8/5/2013	4					
8/6/2013	4					
8/7/2013	4					
	45	5	32	18.5	\$12.82	\$118.59
8/8/2013	4					
8/9/2013	8					
8/10/2013	8					
8/11/2013	8					
8/12/2013	8					
8/13/2013	7					
8/14/2013	7					
0,14,2013	50	10	32	21	\$12.30	\$129.15
						
8/15/2013	8					
8/16/2013	9					
8/17/2013	0					
8/18/2013	8					
8/19/2013	7					
8/20/2013	8					
8/21/2013	0					
	40	0	32	16	\$13.39	\$107.12
8/22/2013	0					
8/23/2013	8					
8/24/2013	8					
8/25/2013	10					
8/26/2013	0					
8/27/2013	8					
8/28/2013	8					
	42	2	32	17	\$13.16	\$111.86
					_	
8/29/2013	8					
8/30/2013	8					
8/31/2013	No Info					
9/1/2013	0					
9/2/2013	0					
9/3/2013	0					
9/4/2013	0	_				
	24	0	32	16	\$13.39	\$107.12

<u>Date</u>	Defendants' Hours Estimate	Defendants' Overtime Estimate	Plaintiff's Overtime Estimate	Court's Hours Finding	Work Week Rate	Overtime Money Owed
				(Plaintiff's Estimate + Defendants' Estimate) / 2	\$750 / (Court's Hours + 40)	1/2 Work Week Rate x Court's Hours
0/5/2012	0					
9/5/2013	0					
9/6/2013	5					
9/7/2013	6					
9/8/2013	5					
9/9/2013	5					
9/10/2013	0					
9/11/2013	8				4	***
	29	0	32	16	\$13.39	\$107.12
9/12/2013	3					
9/13/2013	9					
9/14/2013	7					
9/15/2013	8					
9/16/2013	8					
9/17/2013	8					
9/18/2013	8					
	51	11	32	21.5	\$12.20	\$131.15
9/19/2013	0					
9/20/2013	8					
9/21/2013	8					
9/22/2013	8					
9/23/2013	8					
9/24/2013	8					
9/25/2013	8					
	48	8	32	20	\$12.50	\$125.00
9/26/2013	0					
9/27/2013	0					
9/28/2013	8					
9/29/2013	8					
9/30/2013	8					
10/1/2013	0					
10/2/2013	0					
	24	0	32	16	\$13.39	\$107.12
10/3/2013	8					
10/4/2013	0					
10/5/2013	0					
10/6/2013	8					
10/7/2013	8					
10/8/2013	8					
10/9/2013	8					
	40	0	32	16	\$13.39	\$107.12

<u>Date</u>	Defendants' Hours Estimate	Defendants' Overtime Estimate	Plaintiff's Overtime Estimate	Court's Hours Finding	Work Week Rate	Overtime Money Owed
				(Plaintiff's Estimate + Defendants' Estimate) / 2	\$750 / (Court's Hours + 40)	1/2 Work Week Rate x Court's Hours
10/10/2013	0					
10/10/2013	8					
10/11/2013	8					
10/12/2013	8					
	0					
10/14/2013						
10/15/2013	0					
10/16/2013	5	•	22	4.6	442.20	4407.40
	29	0	32	16	\$13.39	\$107.12
10/17/2013	0					
10/18/2013	0					
10/19/2013	8					
10/20/2013	8					
10/21/2013	8					
10/22/2013	8					
10/23/2013	5					
10, 23, 2013	37	0	32	16	\$13.39	\$107.12
					·	·
10/24/2013	5					
10/25/2013	7					
10/26/2013	8					
10/27/2013	4					
10/28/2013	7					
10/29/2013	8					
10/30/2013	8					
	47	7	32	19.5	\$12.61	\$122.95
10/31/2013	0					<u> </u>
11/1/2013	7					
11/2/2013	0					
11/3/2013	0					
11/4/2013	11					
11/4/2013	11					
11/6/2013	8					
11/0/2013	37	0	32	16	\$13.39	\$107.12
1	3,		<u> </u>	10	ψ <u>-</u> υ.υυ	7107.12
11/7/2013	0					
11/8/2013	12					
11/9/2013	8					
11/10/2013	8					
11/11/2013	0					
11/12/2013	8					
11/13/2013	12					
	48	8	32	20	\$12.50	\$125.00

<u>Date</u>	Defendants' Hours Estimate	Defendants' Overtime Estimate	Plaintiff's Overtime Estimate	Court's Hours Finding	Work Week Rate	Overtime Money Owed
				(Plaintiff's Estimate + Defendants' Estimate) / 2	\$750 / (Court's Hours + 40)	1/2 Work Week Rate x Court's Hours
11/14/2013	0					
	0					
11/15/2013	0					
11/16/2013	6					
11/17/2013	4					
11/18/2013	7					
11/19/2013	8					
11/20/2013	8				4	4
	33	0	32	16	\$13.39	\$107.12
11/21/2013	8					
11/22/2013	8					
11/23/2013	0					
11/24/2013	0					
11/25/2013	0					
11/26/2013	0					
11/27/2013	9					
11/2//2013	25	0	32	16	\$13.39	\$107.12
						
11/28/2013	8					
11/29/2013	12					
11/30/2013	8					
12/1/2013	6					
12/2/2013	4					
12/3/2013	9					
12/4/2013	5					
	52	12	32	22	\$12.10	\$133.10
12/5/2013	0					1
12/5/2013	8					
12/0/2013	8					
12/7/2013	5					
12/9/2013	8					
12/9/2013	8					
12/10/2013	10					
12,11,2013	47	7	32	19.5	\$12.61	\$121.88
	47	<u> </u>	<u> </u>	13.3	¥12.01	7121.00
12/12/2013	0					
12/13/2013	6.5					
12/14/2013	0					
12/15/2013	0					
12/16/2013	0					
12/17/2013	8					
12/18/2013	8					
	22.5	0	32	16	\$13.39	\$107.12

	<u>Defendants'</u>	<u>Defendants'</u>	<u>Plaintiff's</u>			
	<u>Hours</u>	<u>Overtime</u>	<u>Overtime</u>			Overtime Money
<u>Date</u>	<u>Estimate</u>	<u>Estimate</u>	<u>Estimate</u>	Court's Hours Finding	Work Week Rate	<u>Owed</u>
						1/2 Work Week
				(Plaintiff's Estimate +	\$750 / (Court's	Rate x Court's
				Defendants' Estimate) / 2	Hours + 40)	Hours
12/19/2013	0					
12/19/2013	8					
12/20/2013	8					
12/21/2013	8					
12/22/2013	8					
12/23/2013	7.5					
12/25/2013	7.5					
12/23/2013	47.5	7.5	32	19.75	\$12.55	\$123.93
12/26/2013	7.5					
12/27/2013	8.5					
12/28/2013	7					
12/29/2013	0					
12/30/2013	9					
12/31/2013	9					
1/1/2014	No info					
	49	9	32	20.5	\$12.40	\$127.10
TOTAL		373.5	2357	1365.25		\$7,438.03